

House Bill 699

By: Representative Day of the 163<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

To create and establish the "Georgia Law Enforcement Tuition and Training Act"; to amend Article 3 of Chapter 14 of Title 40 of the Official Code of Georgia Annotated, relating to traffic-control signal monitoring devices, so as to make substantial revisions to provisions relating to traffic-control signal monitoring devices; to provide regulation of the use of traffic-control signal monitoring devices by the Department of Public Safety; to create and establish the "Law Enforcement Tuition Trust Fund"; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

This Act shall be known and may be cited as the "Georgia Law Enforcement Tuition and Training Act."

**SECTION 2.**

Article 3 of Chapter 14 of Title 40 of the Official Code of Georgia Annotated, relating to traffic-control signal monitoring devices, is amended by revising Code Section 40-14-21, relating to the use of such devices, as follows:

"40-14-21.

(a) The law enforcement agency of any county or municipality shall not use traffic-control signal monitoring devices unless the chief law enforcement officer of such county or municipality desires the use of such devices and such use is approved by the governing authority of the county or municipality. The governing authority of the county or municipality shall conduct a public hearing on the proposed use of such devices prior to entering any contract on or after July 1, 2001, for the use or purchase of such devices.

(b) A county or municipal law enforcement agency may use a traffic-control signal monitoring device only if the sheriff, police chief, or the municipal or county governing authority shall receive from the Department of Public Safety a permit to use such device

1 in accordance with this article. An agency shall have a separate permit for each such  
2 intersection where such device or devices shall be used. The Department of Public Safety  
3 is authorized to prescribe by rules and regulations the manner and procedure in which an  
4 application shall be made for such permits and to prescribe the required information to be  
5 submitted by an applicant; provided, however, that an application shall at a minimum  
6 contain the following information:

7 (1) The name of the agency utilizing the device;

8 (2) The person or persons responsible for testing the device or devices pursuant to Code  
9 Section 40-14-22;

10 (3) An original or certified copy of the record reflecting the formal approval by the  
11 governing authority;

12 (4) The location where each traffic-control signal monitoring device shall be utilized;  
13 and

14 (5) For each intersection where a device shall be used, a statement of need indicating the  
15 number of fatalities due to accidents occurring at the intersection in the previous three or  
16 more years.

17 (c) Permits shall be renewed every two years, and the information required in the  
18 application shall be updated as required by the Department of Public Safety. The updated  
19 application shall also include the information required to be provided to elected officials  
20 in Code Section 40-14-24. No permit to operate a traffic-control signal monitoring device  
21 shall be renewed if the department determines that a traffic-control signal monitoring  
22 device is being utilized for purposes other than public safety.

23 (d) The Department of Public Safety is authorized to charge an application fee for each  
24 application, including a renewal application, in an amount not to exceed \$200.00, and for  
25 each permit granted, a monitoring fee, in an amount not to exceed \$1,000.00 a year, to  
26 cover the costs of the department to verify compliance with the provisions of this article.

27 (e) Upon receipt of a complaint regarding the use of a traffic-control signal monitoring  
28 device, the Department of Public Safety shall be authorized to investigate any agency,  
29 department, or governing authority, and the agency, department, or governing authority  
30 under investigation shall cooperate with the department and provide, free of charge, any  
31 records relevant to the investigation which are requested by the Department of Public  
32 Safety.

33 ~~(b)~~(f) No county or municipal governing authority shall be authorized to use traffic-control  
34 signal monitoring devices where any arresting officer or official of the court having  
35 jurisdiction of traffic cases is paid on a fee system. This subsection shall not apply to any  
36 official receiving a recording fee.

1 ~~(c)~~(g) If a county or municipality elects to use traffic-control signal monitoring devices,  
2 no portion of any civil monetary penalty collected through the use of such devices may be  
3 paid to the manufacturer or vendor of the traffic-control signal monitoring devices. The  
4 compensation paid by the county or municipality for such devices shall be based on the  
5 value of such equipment and shall not be based on the number of citations issued or the  
6 revenue generated by such devices.

7 ~~(d)~~(h)(1) A traffic-control signal monitoring device shall not be used by a law  
8 enforcement agency unless the law enforcement agency employs at least one full-time  
9 certified peace officer.

10 (2) Failure of a law enforcement agency to continue to meet the standards provided by  
11 this subsection shall cause such agency to be ineligible to use traffic-control signal  
12 monitoring devices.

13 ~~(e)~~(i) A traffic-control signal monitoring device shall not be used to produce any  
14 photograph, microphotograph, electronic image, or videotape showing the identity of any  
15 person in a motor vehicle.

16 (j) No agency, department, or governing authority shall collect fines, fees, costs, or issue  
17 criminal or civil penalties based on any evidence collected from the operation of a  
18 traffic-control signal monitoring device where the device is being operated without a valid  
19 permit issued by the Department of Public Safety."

### 20 SECTION 3.

21 Said article is further amended by revising Code Section 40-14-22, relating to timing of  
22 traffic-control signal monitoring devices, as follows:

23 "40-14-22.

24 (a) The timing of any traffic-control signal which is being monitored by a traffic-control  
25 signal monitoring device shall conform to regulations promulgated by the Department of  
26 Transportation pursuant to Code Section 32-6-50. Each county or municipal law  
27 enforcement agency using a traffic-control signal monitoring device shall at its own  
28 expense test the device for accuracy at regular intervals and record and maintain the results  
29 of each test. Such test results shall be public records subject to inspection as provided by  
30 Article 4 of Chapter 18 of Title 50. Each such test shall be made in accordance with the  
31 manufacturer's recommended procedure. Any such device not meeting the manufacturer's  
32 minimum accuracy requirements shall be removed from service and thereafter shall not be  
33 used by the county or municipal law enforcement agency until it has been serviced and  
34 calibrated at the expense of the law enforcement agency by a qualified technician.

35 (b) Traffic-control signal monitoring devices shall be tested as required in this Code  
36 section no less than twice a year, and a copy of the record of such test reports shall be

1 forwarded to the Department of Public Safety within ten business days following the  
2 testing of the device or devices."

#### 3 **SECTION 4.**

4 Said article is further amended by revising Code Section 40-14-23, relating to use of signs  
5 to notify motorists of traffic-control signal monitoring devices, as follows:

6 "40-14-23.

7 Each county or municipality using traffic-control signal monitoring devices shall erect  
8 signs on every highway which comprises a part of the state highway system at that point  
9 on the highway which intersects the jurisdictional limits of the county or municipality. A  
10 ~~sign~~ minimum of two signs shall be erected also by such entity on each public road on the  
11 approach to the next traffic-control signal for such road when a traffic-control signal  
12 monitoring device is monitoring such next signal for such road. At least one of the signs  
13 required by this Code section shall be placed within 60 feet of the intersection. Such signs  
14 shall be clearly visible by approaching motorists, shall be at least ~~30~~ 40 inches by ~~30~~ 40  
15 inches in measurement, and shall warn approaching motorists that traffic-control signal  
16 monitoring devices are being employed."

#### 17 **SECTION 5.**

18 Said article is further amended by revising Code Section 40-14-24, relating to reporting of  
19 traffic-control signal monitoring device use to elected officials, by striking "and" at the end  
20 of paragraph (6), striking the period and adding "; and" to the end of paragraph (7), and  
21 adding a new paragraph to read as follows:

22 "(8) The total number of fatalities occurring at a location where traffic-control signal  
23 monitoring devices were used and a comparison of the recent year's fatalities to the  
24 number of fatalities at the same location in the preceding four years."

#### 25 **SECTION 6.**

26 Said article is further amended by adding new Code sections to read as follows:

27 "40-14-25.

28 The Department of Public Safety shall be authorized to suspend, revoke, or deny a permit  
29 to any agency, department, or governing authority upon a finding that a traffic-control  
30 signal monitoring device is being used for purposes other than the promotion of public  
31 safety. The same procedure used by the department for the suspension or revocation of  
32 speed detection device permits as provided in Article 2 of this chapter shall be used for the  
33 suspension, revocation, or denial of traffic-control signal monitoring device permits.

1 40-14-26.

2 (a) There is created the 'Law Enforcement Tuition Trust Fund' which shall be made up of  
3 50 percent of all revenues, fines, and fees generated through the use of traffic-control signal  
4 monitoring devices. The fund shall be held in trust by the Georgia Peace Officer Standards  
5 and Training Council. Funds shall be used as determined by the council but only for  
6 purposes relating to the training of peace officers.

7 (b) At least one-half of the moneys received by the Georgia Peace Officer Standards and  
8 Training Council shall be used to grant individual tuition scholarships to certified peace  
9 officers and children of peace officers or firefighters killed in the line of duty. The Georgia  
10 Peace Officer Standards and Training Council shall establish eligibility criteria by  
11 applicable rules and regulations; provided, however, that to be eligible for an individual  
12 scholarship, the individual officer or child shall be enrolled in Georgia in a college level  
13 program or class, a state or local police academy, or an adult technical education class or  
14 program. In addition, the same eligibility, criteria, and standards set forth in Subpart 7 of  
15 Part 3 of Article 7 of Chapter 3 of Title 20, relating to the grants to children of law  
16 enforcement officers, firefighters, and prison guards, shall be used in determining  
17 eligibility of grants awarded under this article. The individual tuition scholarships awarded  
18 shall not exceed \$2,000.00 annually or \$8,000.00 total to any individual officer or child.

19 (c) The funds from the Law Enforcement Tuition Trust Fund shall not be used to supplant  
20 any other local, state, or federal funds appropriated for law enforcement agencies.

21 (d) Funds collected by county and municipal authorities through the use of traffic-control  
22 signal monitoring devices shall be forwarded to the Georgia Peace Officer Standards and  
23 Training Council on a quarterly basis as established by the council. If an agency,  
24 department, or governing authority fails to remit funds to the Georgia Peace Officer  
25 Standards and Training Council as provided in this Code section, any permit issued for the  
26 operation of traffic-control signal monitoring devices shall be revoked.

27 (e) The 50 percent of the funds collected from the operation of traffic-control signal  
28 monitoring devices retained by a municipal, county, or consolidated governing authority  
29 shall be passed through to the local law enforcement agency of the municipal, county, or  
30 consolidated governing authority. Proceeds received may be used for any official law  
31 enforcement purpose, including training and the purchase of equipment, except for the  
32 payment of salaries or rewards to law enforcement personnel, at the discretion of the chief  
33 officer of the local law enforcement agency. Such funds shall not be used to supplant any  
34 other local, state, or federal funds appropriated for staff or operations."

## 35 SECTION 7.

36 This Act shall become effective on July 1, 2007.

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- SECTION 8.**
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- All laws and parts of laws in conflict with this Act are repealed.